



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB0529**

Introduced 01/27/05, by Rep. Susana A Mendoza - Chapin Rose -  
John E. Bradley - Careen M Gordon - Daniel V. Beiser, et al.

**SYNOPSIS AS INTRODUCED:**

720 ILCS 570/411

from Ch. 56 1/2, par. 1411

Amends the Illinois Controlled Substances Act. Provides that in determining the appropriate sentence for any conviction under the Act, the sentencing court may consider the possession, delivery, or manufacture of controlled substances or cannabis in the presence of a child under 17 years of age.

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CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Controlled Substances Act is  
5 amended by changing Section 411 as follows:

6 (720 ILCS 570/411) (from Ch. 56 1/2, par. 1411)

7 Sec. 411. In determining the appropriate sentence for any  
8 conviction under this Act, the sentencing court may consider  
9 the following as indicative of the type of offenses which the  
10 legislature deems most damaging to the peace and welfare of the  
11 citizens of Illinois and which warrants the most severe  
12 penalties:

13 (1) the unlawful delivery of the most highly toxic  
14 controlled substances, as reflected by their inclusion in  
15 Schedule I or II of this Act;

16 (2) offenses involving unusually large quantities of  
17 controlled substances, as measured by their wholesale  
18 value at the time of the offense;

19 (3) the unlawful delivery of controlled substances by a  
20 non-user to a user of controlled substances;

21 (4) non-possession offenses by persons who have no  
22 other visible means of support;

23 (5) offenses involving the large-scale manufacture of  
24 controlled substances;

25 (6) offenses which indicate any immediate involvement  
26 whatsoever with organized crime in terms of the controlled  
27 substance's manufacture, importation, or volume  
28 distribution;

29 (7) the manufacture for, or the delivery of controlled  
30 substances to persons 3 years or more junior to the  
31 person(s) convicted under this Act;

32 (8) the unlawful delivery of anabolic steroids by an

1 athletic trainer, coach, or health club personnel;~~:-~~

2 (9) the possession, delivery, or manufacture of  
3 controlled substances or cannabis in the presence of a  
4 child under 17 years of age.

5 Nothing in this section shall be construed as limiting in  
6 any way the discretion of the court to impose any sentence  
7 authorized by this Act.

8 (Source: P.A. 87-754.)